

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**CITY COUNCIL MEETING OF: SEPTEMBER 5, 2007**

**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: M. MARGO WHEELER**

☐ Consent ☒ Discussion

**SUBJECT:**

VARIANCE

VAR-22167 - PUBLIC HEARING - APPLICANT/OWNER: DEAN SMITH - Request for a Variance TO ALLOW THE HEIGHT OF AN EXISTING ACCESSORY STRUCTURE (CLASS II) TO EXCEED THE HEIGHT OF THE PRINCIPAL DWELLING AND TO ALLOW THE SQUARE FOOTAGE TO EXCEED 50 PERCENT OF THE SQUARE FOOTAGE OF THE PRINCIPAL DWELLING on 0.5 acres at 4833 Nettie Avenue (APN 140-29-810-031), R-E (Residence Estates) Zone, Ward 3 (Reese). Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL

**PROTESTS RECEIVED BEFORE:**

Planning Commission Mtg.

1

City Council Meeting

0

**APPROVALS RECEIVED BEFORE:**

Planning Commission Mtg.

6

City Council Meeting

3

**RECOMMENDATION:**

Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL, subject to conditions.

**BACKUP DOCUMENTATION:**

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Support postcard
7. Submitted after final agenda – Support postcards for Items 133 and 134
8. Backup referenced from the 08-09-07 Planning Commission Meeting Item 33

Motion made by GARY REESE to Hold in Abeyance Items 133 and 134 to 11/21/2007

Passed For: 6; Against: 0; Abstain: 0; Did Not Vote: 1; Excused: 0

RICKI Y. BARLOW, LARRY BROWN, OSCAR B. GOODMAN, GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None); (Did Not Vote-LOIS TARKANIAN); (Excused-None)

NOTE: COUNCILMAN ROSS requested that his vote be reflected in the affirmative.

Minutes:

**CITY COUNCIL MEETING OF: September 5, 2007**

MAYOR GOODMAN declared the Public Hearing open for Items 133 and 134.

DEAN SMITH, owner of 4833 Nettie Avenue, stated he is trying to make amends on transgressions he made on his property. He showed photographs of the first garage he built as extra space for his hobby. By doing this, he encroached into a setback. He obtained letters from his surrounding neighbors supporting the garage. He verified for COUNCILMAN REESE that he did not obtain a building permit.

COUNCILMAN REESE pointed out that if MR. SMITH sells this property, the new property owner would have to deal with the accessory structure. These issues are becoming more frequent. MAYOR GOODMAN felt confident there will be a resolution once the City Council is briefed on these issues.

COUNCILMAN REESE acknowledged there are many illegal structures, and questioned if he should deny the requests or have them removed. MR. SMITH understood the Councilman's concern, but he built the second garage with no intention of renting it and uses it only to store his race cars. The second garage is on his half-acre backyard.

COUNCILMAN REESE was not comfortable taking action on these items pending a resolution on illegal structures; therefore, he requested an abeyance until 11/21/2007.

MR. SMITH confirmed for the Mayor that he brought these applications forward because he wanted to make the structures legal. ASSISTANT CITY ATTORNEY BRYAN SCOTT added that the City Council has the option to have the structures removed or have a building inspector determine whether they comply with the Building Code and Planning Standards with regards to setbacks and heights. COUNCILMAN REESE reiterated that the issue remains what happens if MR. SMITH decides to sell his property.

MAYOR GOODMAN declared the Public Hearing closed for Items 133 and 134.